

1
2
3
4
5
6
7

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, No. C 11-00182 CRB
12 Plaintiff, **ARGUMENT ORDER**
13 v.
14 ROBERTO ACOSTA,
15 Defendant.

17 The parties are directed to appear at the pretrial conference tomorrow prepared to
18 address how Santamaria v. Horsley, 133 F.3d 1242 (9th Cir. 1998) (en banc) applies to the
19 double jeopardy issue raised in Defendant's Motion in Limine to Exclude Evidence Relating
20 to Federal Prosecutor Theory of Materiality (dkt. 89), if at all.

21 **IT IS SO ORDERED.**

22
23 Dated: May 31, 2012


24 CHARLES R. BREYER
25 UNITED STATES DISTRICT JUDGE
26
27
28